

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
John BUTLER et al. ) Group Art Unit: 3775  
 )  
Application No.: 10/635,910 ) Examiner: Yang, Andrew  
 )  
Filed: August 7, 2003 )  
 ) Confirmation No.: 7825  
For: SURGICAL DEVICE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31**

Sir:

Applicant appeals to the Board of Patent Appeals and Interferences from the  
Examiner's decision mailed September 30, 2010.

The items checked below are appropriate:

1. ☒ Applicant petitions for a three (3) month extension of time, based on the mailing date of the outstanding Office action. The petition fee of \$1,110.00 is enclosed.
2. ☐ Applicant has previously filed a Petition for Extension of Time extending the period for response to the outstanding Office Action.
3. ☒ The Notice of Appeal Fee of \$540.00 is being submitted electronically at the time of filing.
4. ☐ The Notice of Appeal Fee was previously paid in this application on \_\_\_\_\_, but the appeal was not completed. Accordingly, no Appeal Fee is due at this time.
5. ☒ A pre-appeal brief conference is requested. The request and supporting documentation are attached.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 30, 2011

By: /Hojung Cho/  
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